

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Dirk Husemann et al.

Group Art Unit: 2179

Serial No.: 09/613,113

Examiner: Huynh, Ba

Filed: July 10, 2000

Docket: CH9-1999-0017-US1 (728-167)

For: **METHOD AND APPARATUS FOR PROVIDING
A MORE POWERFUL USER-INTERFACE TO A
DEVICE WITH A LIMITED USER-INTERFACE**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

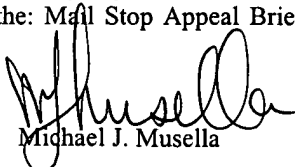
This Reply Brief is submitted pursuant to 37 C.F.R. §41.41 in response to the Examiner's Answer mailed on November 30, 2005, in the above-identified application.

As an initial matter, it is respectfully submitted that the Examiner's Answer contains a number of misquotations. Accordingly, for the sake of clarity and so as not to belabor and confuse the issues, the misquotations have been addressed as deemed most reasonable and appropriate.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Appeal Brief-Patents Commissioner for Patents, Alexandria, VA 22313-1450, on January 30, 2006

Dated: January 30, 2006


Michael J. Musella

As a second initial matter, a clear statement of the terminology of the present invention and Humpleman et al. is required. Humpleman et al. speaks of a “first device” this is used synonymously with a “client device”, and speaks of a “second device” that is used synonymously of a “service device”. With respect to the paragraph beginning on page 7 and extending to the top of page 9 of the Examiner’s Answer, the Examiner states near the bottom of page 7 that: “Humpleman et al. teaches a computer implemented method and corresponding system for controlling home devices by a second device (2:39-3:59).” Applicant respectfully disagrees as there is no suggestion in the cited section of Humpleman et al. teaching the second device controlling home devices. Rather Humpleman et al. teaches “sending control and command data from the first device to the second device over the network utilizing the application interface description data to control the operation of the second device” (Column 2, Lines 48-51; see also Column 3, Lines 25-30 and Lines 33-37, emphasis added); and “commanding and controlling of the two or more home devices by a user via the user interface of the first home device displayed on the client device” (Column 3, Lines 55-60 emphasis added). The distinctions between the terminology used in Humpleman et al. and the present application will be discussed in more detail where applicable.

In the paragraph beginning on page 7 and extending to the top of page 9, of the Examiner’s Answer, on page 8, the Examiner states that the “second device 12 has [a] full user interface” and argues that Humpleman et al. teaches the “the first device 14 provides service for the user but not control user interface, thus has limited user interface (5:28-30).” After reviewing the cited portions of Humpleman et al., a reference to “full user interface” or a “limited user interface” could not be found. Humpleman et al. does teach “each server device 14 provides a service for the user, except control user interface, and each client device 12 provides

control user interface for user interaction with the network 10. As such, only client devices 12 interact directly with users, and server devices 14 interact only with client devices 12 and other server devices 14” (Humbleman, Column 5, Lines 28-36—emphasis added, see also Appeal Brief page 7). This contrasts with the Examiner’s assertion. In this regard Humbleman et al. teaches “Further, a user can utilize a client device 12 to control and command a first set of server devices 14, and the first set of server devices 14 can automatically command and control a second set of server devices 14 without user involvement, as necessary to perform services to the user” (Humbleman et al., Column 7, Lines 32-36, emphasis added). Accordingly, since Humbleman et al. does not teach or suggest the limited user interface of the at least one first device, and further, therefore, since Humbleman et al. does not teach or suggest the extended user-interface provides more extensive capabilities than the limited user-interface of the at least one first device, Humbleman et al. can not be said to anticipate the claims of the present application.

On page 9 of his Answer, the Examiner asserts that “...appellants... argue that since Humbleman et al. does not teach the server devices 14 directly interacting with the user therefore server devices do not have a (limited) user interface.” As an initial matter, it is respectfully submitted that the cited portions of Humbleman et al. are inaccurately quoted. For example the Examiner uses the term “client device” rather than “client devices 12” as is used by Humbleman et al. As previously stated, the terminology is distinctive. Moreover, the first device having the limited user interface, as recited in Claim 1, was equated by the Examiner with the server device 14 as taught by Humbleman et al. (see Office Action dated April 1, 2005, pp. 2-3). However, Humbleman et al. specifically teaches: “[e]ach client device 12 can include a user communication interface including input devices such as a mouse and keyboard for receiving

user input, and a display for providing a control user interface for the user to interact with the networked devices,”... “the user interface can include a graphical user interface (GUI) display,” and further states “as defined herein, each server device 14 provides a service for the user, except control user interface, and each client device 12 provides control user interface for user interaction with the network 10. As such, only client devices 12 interact directly with users, and server devices 14 interact only with client devices 12 and other server devices 14”. (Humbleman et al., Column 5, Lines 18-35, emphasis added). Claim 1 recites a first device having a limited user interface. Accordingly, Humpleman et al. does not teach or suggest this element since the server devices 14 does not directly interact with the user. That is, the sensor device does not have a limited user interface. Therefore, Humpleman et al. cannot anticipate the first device having a limited user interface as recited in Claim 1.

Furthermore, to support the above assertions, in the paragraph beginning on page 9 and extending to the bottom of page 11, the Examiner states (on page 9): “the VCR may have Stop/Play buttons but does not have a tuner therein (Humbleman’s [sic] 1:45-52, 2:11-16).” However, in the cited portions of Humpleman et al., the statement “the VCR may have Stop/Play buttons” or the like could not be found. However, Humpleman et al. does teach a VCR server device 14 (Humbleman, Column 9, Line 34). However, as stated previously, contrary to the Examiner’s argument, Humpleman et al. specifically states: “each server device 14 provides a service to a user, except control user interface, and each client device 12 provides control user interface for user interaction with the network 10. As such, only client devices 12 interact directly with users, and server devices 14 interact only with client devices 12 and other server devices 14” (Humbleman et al., Column 5, Lines 28-35, emphasis added). Accordingly, the Examiner’s argument that a VCR may have Stop/Play buttons is inconsistent with Humpleman’s

teaching. Furthermore, this statement is inconsistent with the Examiners statements relating to tuning a “VCR device” on page 11 of the Examiner’s answer.

The Examiner then continues and states on page 9 that “[t]he appellants’ argument appears conclusive and out of context” (Examiner’s Answer, paragraph beginning on page 9 and extending to bottom of page 11). It is respectfully submitted that Applicants’ statement merely cited Humpleman et al. and was clearly relevant to the context in which it was made.

Additionally, the cited portions of Humpleman et al. are part of the same paragraph as was cited by the Examiner to support his rejection (e.g., see, Office Action dated April 1, 2005, page 5).

The cited portion of Humpleman clearly states that “each server device 14 provides a service to a user, except control user interface” and “server devices 14 interact only with client devices 12 and other server devices 14” (Humpleman et al., Column 5, Lines 28-35, emphasis added).

This statement is also consistent with Humpleman et al. teaching “a user can utilize a client device 12 to control and command a first set of server devices 14, and the first set of server devices 14 can automatically command and control a second set of server devices 14 without user involvement” (Humpleman et al. column 7, lines 28-36, emphasis added, see also figures 1 and 2). Since only a client device of Humpleman et al. has a user interface, Humpleman et al. can not anticipate a limited user interface of a first device and an extended user interface of a second device.

Then, in the paragraph beginning on page 9 and extending to the bottom of page 11, the Examiner continues his argument and states, at the bottom of page 9, that: “[t]he appellant’s appear to separate the user from the client device 12,”... and “[t]hat this interpretation is not in context of [sic] Humpleman’s teaching of figure 1.” It is respectfully submitted that the Examiner’s argument is without merit, as applicants have repeatedly stated that “client devices

12 interact directly with users” (Humbleman, Column 5, Lines 28-35). For example, see Appeal Brief page including pp. 7 and 12.

Thereafter, to further support his argument, the Examiner asserts that figure 1 (of Humpleman et al.) shows “a human sitting in front of his device 12.” After reviewing figure 1 of Humpleman et al., it is respectfully submitted that figure 1 illustrates a client device 12 with a lead line to the term “HUMAN,” and further shows server devices 14 without a lead line to the term “HUMAN,” consistent with Humpleman et al. teaching that only client devices 12 interact directly with users, and server devices 14 interact only with client devices 12 and other server devices 14” (Humbleman et al., Column 5, Lines 28-35, emphasis added, see also Reply Brief pp. 7 and 12).

On page 10 of his Answer, the Examiner asserts that “[t]he appellants further argue that Humpleman does not teach a limited user interface of the first device being extended by a user interface of a second device.” The Examiner then states that this “argument is not support [sic] by the language of the claim.” The Examiner then supports his conclusion by citing portions of Claim 1 (which are misquoted) and then argues that “Claim 1 merely says that providing an extended user interface on the second device using the transmitted limited user interface information, not extending the limited user interface by the second device.” However, Claim 1 actually states: “providing an extended user-interface on the at least one second device, the extended user interface having more extensive capabilities than the capabilities of the limited user-interface of the at least one first device, the extended user-interface utilizing the transmitted limited user-interface information and comprising extended functions so as to extend the capabilities of the limited user-interface” (emphasis added). In contrast to the Examiner’s assertions, it is respectfully submitted that the language of the Claim clearly recites “the

extended user-interface... comprising extended functions so as to extend the capabilities of the limited-user interface.”

Further, on the bottom of page 10 and on page 11 of his Answer, the Examiner asserts that: “the limited user interface information is disclosed by Humpleman as graphical control object (GCO),” and further indicates that GCO is known as 22, and thereafter incorrectly quotes a portion of Claim 1. In response, as previously stated herein, it is respectfully submitted that the limited user-interface, as recited in the claims of the present application, is not anticipated by Humpleman et al. Accordingly, information relating to the limited user-interface (i.e., limited user-interface information) is neither taught nor suggested by Humpleman et al.

Next, on the top of page 11 of his Answer, the Examiner asserts that: “[t]he user interacts with the limited user interface server device 14 via the extended user interface 18 (5:45-55).” In response, Humpleman et al. does not disclose an “extended user interface 18.” However, Humpleman et al. does disclose “GUI display 18.” (Humpleman et al., Column 5, Lines 26-27). Humpleman et al. further teaches that the control user interface can include a GUI display 18 (Column 5, Lines 26-27) and that the server device 14 provides a service for the user except a control user interface. (Column 5, Lines 30-35, emphasis added).

Additionally, on the top of page 11 of his Answer, the Examiner cites Column 2, Lines 11-16 of Humpleman et al., and asserts that: “the extended GUI 18 has the capabilities to of being displayable and interact-able [sic] by the user to tune the limited user interface VCR device.” In response, Humpleman et al. specifically teaches “a VCR without a tuner therein,” (Humpleman et al., col. 2, line 12) which conflicts with the Examiner’s assertion “to tune the limited user interface VCR device” (Examiner’s Answer, Page 11). The server device, the VCR device, of Humpleman et al. does not have a user interface.

Furthermore, on the middle of page 11 of his Answer, the Examiner incorrectly quotes a portion of the Specification of the present invention (which was discussed above) and then states “[t]hus from a server device 14 standpoint, the limited user interface is being extended to have its GCO 22 displayable as a GUI 18 on the client device 12 for controlling operations in server device 14.” (emphasis added). First, the Examiner’s argument that “the limited user interface is being extended” is inconsistent with the Examiner’s previous argument that “the user interface descriptions GCO 22 had been extended to become a fully displayable GUI 18 on the second device” (e.g., see Examiner’s Answer bottom of Page 8 through top of Page 9). Second, as was previously stated: Humpleman teaches as defined herein, each server device 14 provides a service for the user, except control user interface, and each client device 12 provides control user interface for user interaction with the network 10. As such, only client devices 12 interact directly with users, and server devices 14 interact only with client devices 12 and other server devices 14”. (Humpleman, Column 5, Lines 18-35, emphasis added). Accordingly, Humpleman does not teach or suggest the server devices 14 directly interacting with the user, or having a limited user interface. Therefore, Humpleman cannot teach or suggest extending a limited user-interface, and therefore, cannot anticipate the claims of the present application.

Regarding the Examiner’s assertion that “from a client device 12 standpoints, [sic] the user interface of the client device 12 is being extended with GUI 18 to extend its controls to server device 14.” While this sentence is difficult to decipher, the Examiner seems to be stating that using the GUI display 18, the control user interface of the client device 12 is being used to control the server device 18, which conforms to Humpleman et al. teaching that “only client devices 12 interact directly with users 12” and “that the server device 14 provides a service for the user except a control user interface. (Column 5, Lines 24-35, emphasis added, see, also,

figures 1 and 2).”

With regard to the Examiner’s rejection of Claim 16, the Examiner states that Claim 16 is a mirror image of Claim 1, and presents similar arguments to those discussed above with respect to Claim 1. However, it is respectfully submitted that Claim 16 is not a mirror image of Claim 1, but, rather, is a system claim that greatly differs in scope from Claim 1.

Furthermore, on page 12 of the Examiner’s answer it is stated: “the user interface manager is implicitly included in Humpleman [sic] teaching.” However, Claim 16 includes the recitations of a “first user-interface manager” and a “second user-interface manager.” As defined by the Specification, the first user-interface manager and the second user-interface manager (e.g., see, “user interface manager” in figures 7A and 7B of the present application) allow a user interface to be provided to each of a first device and a second device. As recited in the Claims, the first device includes a limited user-interface and the second device includes an extended user-interface. Accordingly, both the first device and the second devices include respective user-interface managers to control their respective user-interfaces. However, as Humpleman et al. does not teach or suggest at least the server device 14 having a user-interface, therefore Humpleman et al. cannot be used to anticipate the first device having at least the first user-interface manager.

With regard to the Examiner’s rejection of Claim 26, Claim 26 includes the recitation “an extended user-interface manager” which was not addressed in the rejection of Claim 1. For at least the above-stated reasons, Humpleman does not teach or suggest a limited user interface, and therefore it cannot teach or suggest a user interface manager for managing the limited user-interface.

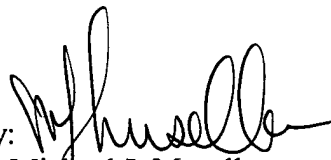
As Humpleman does not teach or suggest each and every element of Claims 1 and 16, Humpleman cannot anticipate the Claims 1 and 16. Accordingly, the rejection of Claims 1 and 16 must be reversed.

As the Examiner has failed to make out a prima facie case for an obviousness rejection, the rejection of Claim 25 and 26 must be reversed. It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03. The Examiner has failed to show that all of the recitations of Claims 25 and 26 are taught or suggested by Humpleman. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

Independent Claims 1 and 16 are not anticipated by, nor are Claims 25 and 26 rendered unpatentable by Humpleman. Thus independent Claims 1, 16, 25 and 26 are allowable.

Accordingly, dependent Claims 2-15 and 17-24 are allowable because of their respective dependence upon independent Claims 1 and 16.

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